

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BEAU TOWNSEND FORD LINCOLN, INC.	:	CASE NO. 3:15-CV-400
PLAINTIFF,	:	JUDGE: THOMAS M. ROSE
v.	:	MAGISTRATE JUDGE:
DON HINDS FORD, INC.	:	MICHAEL J. NEWMAN
DEFENDANT	:	

**FINAL JUDGMENT ENTRY GRANTING MONEY JUDGMENT, INTEREST AND
COSTS TO THE PLAINTIFF, BEAU TOWNSEND FORD LINCOLN, INC.**

On September 25, 2017, the Court issued a Decision and Entry granting summary judgment in favor of the Plaintiff, Beau Townsend Ford Lincoln, Inc., on its breach of contract claim against the Defendant, Don Hinds Ford, Inc., and awarding the Plaintiff the amount of \$736,225.40 (ECF Doc. No. 61). The Court also granted summary judgment in favor of the Defendant as to the Plaintiff's other claims.

On October 6, 2017, the Court issued a Decision and Entry (ECF Doc. No. 63) awarding the Plaintiff prejudgment and post-judgment interest pursuant to Ohio Rev. Code §1343.03(A). That section provides that a "creditor" is entitled to interest at the

rate per annum determined pursuant to Ohio Rev. Code §5703.47, unless a written contract provides a different rate of interest in relation to money that becomes “due and payable”. There is no written contract between the parties in this case. Ohio Rev. Code §5703.47 provides that the rate per annum shall be equal to the federal short-term rate on October 15 of the prior calendar year, rounded to the nearest whole number percent, plus 3%. Referring to the Ohio Department of Taxation’s “Annual Certified Interest Rates” chart, the interest rate for 2015 was 3.0%, and would apply for the period October 7, 2015, the date the contract monies became due and payable, through December 31, 2015. The rate for 2016 was also 3.0%, and would apply from January 1, 2016 through December 31, 2016. The rate for 2017 is 4.0% and would apply from January 1, 2017 through the date of final judgment. Once the prejudgment interest is calculated, such interest and the principle are added together and become “merged” as the final judgment amount, and the total amount reflected in the judgment then becomes subject to the accrual of statutory post-judgment interest. See *Mayer v. Medancic*, 124 Ohio St. 3d 101, 108 (2009). Under Ohio law, simple interest accrues on an amount due and payable absent a written agreement to the contrary. *Id.* at syl. 1, 2. Based upon the foregoing interest rates, prejudgment interest through October 13, 2017 totals \$50,364.01.

It is hereby ORDERED, ADJUDGED, and DECREED that judgment is entered in this matter in favor of the Plaintiff, Beau Townsend Ford Lincoln, Inc., and against the Defendant, Don Hinds Ford, Inc., in the amount of \$786,589.41. The Plaintiff is also awarded, and the Defendant shall pay, post-judgment interest on the foregoing judgment amount at the statutory rate until the judgment amount is paid in full. The

Plaintiff is also awarded, and the Defendant shall pay, the Plaintiff's costs pursuant to Fed. R. Civ. P. 54(d)(1). The Plaintiff shall file a Bill of Costs within forty-five days from the entry of this final judgment pursuant to Local Rule 54.1. This Judgment Entry is certified and entered by the Court pursuant to Rule 54(b) of the Federal Rules of Civil Procedure. Post-judgment interest will be at the federal statutory rate.

IT IS SO ORDERED.

s/Thomas M. Rose
Judge Thomas M. Rose
United States District Judge